

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

DARYISE L. EARL,

Plaintiff,

v.

Case No. 10-CV-247

**RACINE COUNTY JAIL, ROBERT D. CARLSON,
JAMES SHERIFF, SGT. JENNINGS,
and JOHN DOES,**

Defendants.

ORDER

On February 13, 2012, plaintiff filed a request that defendants be sanctioned for false and misleading disclosures in their discovery responses. According to plaintiff, defendants' Proposed Finding of Fact 6 from their motion for summary judgment¹, which provides: "In this case Earl had just been convicted of a crime for which he was going to be sentenced to a long prison term and had made threats to guards," demonstrates that they gave false responses to the following requests for admissions:

REQUEST: Admit that the allegations of threats to staff members of the Racine County Jail was the reason why the plaintiff was placed on suicide watch on February 9, 2007.

RESPONSE: DENY.

REQUEST: Admit that the allegations of the Plaintiff threatening to kill Correctional Officer of Sheriff Deputy was the reason why the Plaintiff was placed on Administrative Segregation on February 14, 2007.

RESPONSE: DENY.

(Pl.'s Letter of February 13, 2012, Exs. D, E.) However, the proposed fact is not inconsistent with the discovery responses. Thus, plaintiff's request for sanctions will be denied.

¹ Defendants' motion for summary judgment is fully briefed and will be addressed in a subsequent order.

By his letter, plaintiff also seeks reconsideration of January 25, 2012, denial of his motion to compel discovery. However, this request is based on a finding that defendants provided false discovery responses, which they did not. Moreover, I credit defendants' statement in their letter response that they have produced all documentation they have pertaining to the facts and circumstances from which this lawsuit arises and that they simply cannot produce documentation they do not have. Finally, plaintiff's letter filed February 27, 2012, which he requests to be considered along with his February 13, 2012, request, also does not provide a basis sanctions.

IT IS THEREFORE ORDERED that plaintiff's request for sanctions and reconsideration (Docket No. 45) is **DENIED**.

Dated at Milwaukee, Wisconsin, this 8th day of March, 2012.

s/

LYNN ADELMAN
District Judge